REMARKS

Rejection of Claims 7, 13, 34, and 40 Under 35 U.S.C. § 112

The Patent Office rejected claims 7, 13, 34, and 40 under 35 U.S.C. §112 for failing to distinctly claim the subject matter which Applicant regards as the invention. More particularly, the Patent Office stated that claims 7 and 13 and claims 34 and 40 recite the same inventions, respectively. In response, Applicant has canceled claims 7 and 13. Therefore, this rejection cannot stand.

Rejection of Claims 48-52 and 69-73 Under 35 U.S.C. § 112(2)

The Patent Office rejected claims 48-52 and 69-73 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More particularly, the Patent Office stated that claims 48-52 depend on canceled claim 47 and that claims 69-73 depend on canceled claim 62. Applicant has amended claims 48, 69, 70, and 73 to be in independent form. Therefore, the claims 48-52 and 69-73 no longer depend on canceled claims 47 and 62, respectively, and the claims 48-52 and 69-73 are allowable.

Rejection of Claims 23, 57, 68, and 74-77 Under 35 U.S.C. § 103

The Patent Office rejected claims 23, 57, 68 and 74-77 under 35 U.S.C. §103(a) as being unpatentable over Canada et al. (U.S. Patent No. 5,854,994).

Applicant has canceled claims 23 and 57 without prejudice.

Claim 68 claims the step of bringing the wireless communication device in proximity to an external magnet to move the magnet away from the magnetic surface portion. Canada discloses magnetically attaching a device to an article. However, Canada fails to teach or suggest detaching the device using an external magnet. Further, there is no motivation or suggestion in Canada to apply magnetic properties, such as attraction and repulsion of opposing and like polarized magnetic fields, to detach the device from the article by bringing the device in proximity to an external magnet. Since Canada fails to teach or suggest all limitations of claim 68, claim 68 is not obvious in view of Canada. MPEP §2143.03.

Claim 74 has been amended to further define the claimed invention. More specifically, claim 74 has been amended such that the wireless communication device containing a magnet is detached from the magnetic surface portion by receiving a message and altering the magnetic force of the magnet in response to receiving the message. Although Canada teaches a device capable of receiving messages and being attached to an article magnetically, Canada fails to teach or suggest detaching a wireless communication device by altering the magnetic force associated with the device in response to receiving a message. Since Canada fails to teach or suggest all limitations of claim 74, claims 74-77 are not obvious in view of Canada.

Rejection of Claims 7, 34, 64, and 67 Under 35 U.S.C. § 103

The Patent Office rejected claims 7, 34, 64, and 67 under 35 U.S.C. §103(a) as being unpatentable over Canada et al. (U.S. Patent No. 5,854,994) in view of Thomson et al. (U.S. Patent No. 4,754,532).

Applicant has canceled claim 7 without prejudice.

Claim 34 has been amended to further define the movement of the magnet inside the chamber as being in response to the magnetic force between the magnet and the magnetic surface portion or between the magnet and an external magnet. As illustrated in Figure 3 and described in column 4, lines 45-56, Thomson discloses the movement of a magnet in a plane perpendicular to a magnetic surface, where the movement of the magnet 36 is in response to the rotation of an adjustment knob 33. The combination of Canada and Thomson fails to teach or suggest the movement of the magnet in response to its own magnetic force or the force of another external magnetic, therefore claim 34 is allowable.

Claim 64 has been amended to include each and every limitation of original claim 64 in independent form. In the Office Action dated July 8, 2002, the Patent Office stated that original claim 64 would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims. In addition, the combination of Canada and Thomson fails to teach or suggest detaching the wireless communication device by activating a latch coupled to the magnet thereby rotating the magnet and altering the magnetic force of the magnet. Therefore, claim 64 is allowable.

Claim 67 has been amended to be equivalent to original claim 67 rewritten in independent form. In the Office Action dated July 8, 2002, the Patent Office stated that original

claim 67 would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims. In addition, the combination of Canada and Thomson fails to teach or suggest detaching the wireless communication device by bringing the wireless communication device in proximity to a signal field generator thereby altering the magnetic force of the magnet. Therefore, claim 67 is allowable.

Objection to Claims 65 and 66

The Patent Office objected to claims 65 and 66 as being dependent upon a rejected based claim. In view of the discussion above, claim 64 from which claims 65 and 66 depend is now allowable. Therefore, claims 65 and 66 are allowable.

Claims 24-26

The Patent Office rejected claims 24-26. Although Applicant amended claim 24 in response to the previous Office Action, comments on the rejections of the claims 24-26 or the amendment of claim 24 were not included in the Office Action mailed December 16, 2002. Therefore, Applicant will address the rejections of claims 24-26 as being in view of Canada or in view of the combination of Canada and Thomson.

Claim 24 was amended in response to the Office Action mailed July 8, 2002 to be placed into independent form. Claim 24 was amended to provide that the at least one tab that comprises the magnet is also an antenna for the wireless communication device. Neither Canada nor Thomson teach or suggest a magnet comprising at least one tab connected to the wireless communication device wherein the at least one tab comprises an antenna for the wireless communication device. Claim 24 is unobvious in view of Canada or in view of the combination of Canada and Thomson. Therefore, claims 24-26 are allowable.

Others

Although the Patent Office has stated that claims 8-12 and 35-39 contain allowable subject matter, applicant has become aware that claims 8-12 and claims 35-39 are identical claims. Therefore, Applicant has amended claim 35 to further limit the claim to being a system that further comprises an article having a magnetic surface portion. Since these claims were

previously allowable and only claim 35 has been amended to add an additional element, claims 8-12 and 35-39 are still allowable.

In view of the discussion above, claims 8-12, 14-22, 24-26, 34-46, 48-56, 58-60, 64-77 are allowable. Reconsideration is respectfully requested.

Respectfully submitted,
WITHROW & TERRANOVA, P.L.L.C.

By: _____

Steven N. Terranova
Registration No. 43,185
P.O. Box 1287
Cary, NC 27512
Telephone: (919) 654-4520

Date: March 14, 2003
Attorney Docket: 4579-048

CERTIFICATE OF TRANSMISSION
I HEREBY CERTIFY THAT THIS DOCUMENT IS BEING TRANSMITTED VIA FACSIMILE ON THE DATE INDICATED BELOW TO:

Examiner: Lee, B. Art Unit: 2632 Fax: 703-872-9314

Jan Garrison
Name of Sender

Jan Garrison
Signature

3-14-03
Date of Transmission

VERSION WITH MARKINGS TO SHOW CHANGES MADE

34. (Twice Amended) A device that magnetically attaches to a magnetic surface portion of an article, comprising:

a wireless communication device; and

a magnet coupled to said wireless communication device wherein said magnet is located inside a chamber;

said magnet has a magnetic force that attaches said magnet to the magnetic surface portion of the article when in close proximity to the magnetic surface portion of the article;

said magnet moves in said chamber in a plane substantially perpendicular to said magnetic surface portion in response to said magnetic force or an external magnetic force.

35. (Twice Amended) A [device that magnetically attaches to a magnetic surface portion] system for identification of an article, comprising:

an article having a magnetic surface portion;

a wireless communication device; and

a magnet coupled to said wireless communication device wherein said magnet is located inside a chamber;

said magnet has a magnetic force that attaches said magnet to the magnetic surface portion of the article when in close proximity to the magnetic surface portion of the article;

said chamber is comprised of two pole pieces forming a gap at two opposite ends.

48. (Once Amended) A [The] system [of claim 47, wherein] for identification of an article, comprising:

an article containing having a magnetic surface portion;

a wireless communication device;

a magnet coupled to said wireless communication device wherein said magnet uses magnetic force to attach said wireless communications device to said magnetic surface portion of said article when in close proximity to said magnetic surface portion, wherein said magnet is housed and rotates in a magnetic assembly; and

a latch that rotates said magnet in response to particular signal field.

74. (Once Amended) A method of detaching a wireless communication device from a magnetic surface portion, wherein the wireless communication device contains a magnet that attaches the wireless communication device to the magnetic surface portion by a magnetic force, comprising the steps of:

receiving a message by said wireless communication device; and

altering said magnetic force in response to said receiving said message.

64. (Twice Amended) A method of detaching a wireless communication device from a magnetic surface portion, wherein the wireless communication device contains a magnet that attaches the wireless communication device to the magnetic surface portion by a magnetic force, comprising the step of activating a latch coupled to said magnet thereby rotating said magnet and altering said magnetic force.

67. (Twice Amended) A method of detaching a wireless communication device from a magnetic surface portion, wherein the wireless communication device contains a magnet that attaches the wireless communication device to the magnetic surface portion by a magnetic force, comprising the step of bringing said wireless communication device in proximity to a signal field generator thereby altering said magnetic force.

69. (Once Amended) A [The] method [of claim 62, wherein altering said magnetic force is comprised of] of detaching a wireless communication device from a magnetic surface portion, wherein the wireless communication device contains a magnet that attaches the wireless communication device to the magnetic surface portion by a magnetic force, comprised of altering said magnetic force, which comprises of magnetically shorting said magnet.

70. (Once Amended) A [The] method of [claim 62, wherein altering said magnetic force is comprised of] detaching a wireless communication device from a magnetic surface portion, wherein the wireless communication device contains a magnet that attaches the wireless communication device to the magnetic surface portion by a magnetic force, comprised of altering said magnetic force, which comprises of communicating to said wireless communication device.

73. (Once Amended) A [The] method of [claim 62, further comprising] detaching a wireless communication device from a magnetic surface portion, wherein the wireless communication device contains a magnet that attaches the wireless communication device to the magnetic surface portion by a magnetic force, comprised of altering said magnetic force and communicating the attachment status of said wireless communication device.